

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY STEWART COSTA,  
Plaintiff,  
v.  
MARGARITA SANDOVAL,  
Defendant.

No. 1:21-cv-01308 JLT GSA

ORDER

Plaintiff is a former state prisoner proceeding *pro se* and *in forma pauperis*. He seeks relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On April 13, 2022, Plaintiff filed notice of change of address listing a residential non-prison address, which reflects that he is no longer incarcerated. ECF No. 13. On July 25, 2024, the Court issued an order directing Plaintiff to file a notice of current address and served the same on Plaintiff. ECF No. 14. Plaintiff did not file the notice, but the order has not been returned as undeliverable, suggesting the residential address he noted on April 13, 2022 is still correct. As a result, Plaintiff's continued in forma pauperis status must be considered, now as a non-prisoner.

A prisoner granted in forma pauperis status when he filed an action is not liable for the full amount of the filing fee upon release from prison. However, upon release from prison, he must be allowed to apply to proceed under general in forma pauperis provisions of 28 U.S.C. §

1 1915(a)(1). See DeBlasio v. Gilmore, 315 F.3d 396, 399 (4th Cir. 2003); see also Webb v.  
2 Lambert, No. CV 12-00041-H-DLC, 2012 WL 5931889, at \*1 (D. Mont. Aug. 29, 2012) (citing  
3 DeBlasio). A released prisoner may proceed in forma pauperis upon satisfying the poverty  
4 provisions applicable to non-prisoners. McGann v. Comm’r, Soc. Sec. Admin., 96 F.3d 29, 30  
5 (2d Cir. 1996).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Clerk of Court shall send plaintiff a copy of the court’s application to proceed in  
8 forma pauperis for non-prisoners, and
- 9 2. Within **thirty (30)** days of the date of this order, plaintiff must complete and file the  
10 non-prisoner in forma pauperis application in this court.

11  
12  
13 IT IS SO ORDERED.

14 Dated: **January 22, 2025**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE